## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION CIVIL CASE NO. 2:14-cv-00007-MR-DLH

DIAMOND FALLS ESTATES, LLC, SHIRLEY M. BUAFO, and CHARLES K. BUAFO,	
Plaintiff, )	
vs. )	ORDER
NANTAHALA BANK & TRUST COMPANY, ) STEVE E. GRAVETT, EXCELL PARTNERS, ) LLC, and JOHN/JANE DOES, )	
Defendants. )	

THIS MATTER is before the Court on the Defendants Steve Gravett and Excell Partners, LLC's Motion to Dismiss in Part [Doc. 4] and the Magistrate Judge's Memorandum and Recommendation [Doc. 19] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On April 23, 2014, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendants' Motion. [Doc. 19]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has written objections Memorandum expired, and no to the and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendants' Motion to Dismiss should be granted.

## <u>ORDER</u>

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 19] is ACCEPTED; the Defendants' Motion to Dismiss in Part [Doc. 4] is GRANTED; and any claims asserted by the Plaintiffs Shirley Buafo and Charles Buafo against Steve Gravett and Excell Partners, LLC in Counts One and Two, as well as any breach of statutory

duty claims asserted by Plaintiff Diamond Falls Estates, LLC against Defendant Excell Partners, LLC in Count One are hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: May 15, 2014

Martin Reidinger United States District Judge